



## United Kingdom

### Country Reports on Human Rights Practices - [2000](#)

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The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales, Scotland, and Northern Ireland. The judiciary is independent, but Parliament may supercede its decisions through legislation.

Throughout the country, police forces are under the effective control of civilian officials. The intelligence agency MI-5 has the authority to act in support of other law enforcement agencies in the prevention and detection of serious domestic crime, but information collected by that agency generally is not admissible as evidence in trials. The Royal Ulster Constabulary (RUC) in Northern Ireland has a complex and controversial role, due to the special and difficult circumstances in the region with respect to law and order. In some areas of Northern Ireland, because of the continuing threat of violence, army units operate to reinforce the RUC. Individual members of UK police forces committed human rights abuses in some instances.

A highly developed, diversified, market-based economy with extensive social welfare services provides most residents with a high standard of living. Higher than average unemployment rates prevail among certain demographic groups, including youth and racial minorities, and in Northern Ireland, among Catholics.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Individual members of the police occasionally abused detainees. Prison conditions, including overcrowding and the number of prison suicides, also remained problems. There are some limits on freedom of assembly and association related to the security situation in Northern Ireland. The Government continued to take steps to combat violence against women. Societal discrimination against women, nonwhite minorities, and the Traveller (nomadic) community are problems, as are child abuse and occasional societal violence against minorities. Trafficking in women is an acknowledged problem. In October the Human Rights Act came into effect, allowing for the enforcement of provisions of the European Convention on Human Rights in UK courts.

In Northern Ireland, power was devolved in December 1999 under the terms of the Good Friday Agreement, which established local government institutions, including a legislative assembly and a power-sharing executive. In February 2000, due to the lack of progress on weapons decommissioning by republican paramilitary groups, the Ulster Unionist Party (UUP) threatened to withdraw from the executive in protest. The Secretary of State for Northern Ireland suspended the institutions in February in order to prevent UUP withdrawal. In May, after the Provisional Irish Republican Army (PIRA) pledged to put its weapons completely and verifiably beyond use, the Government lifted the suspension, allowing devolution to resume. In October Executive First Minister David Trimble of the UUP refused to allow executive ministers of the republican Sinn Fein Party to participate in meetings of the North-South Ministerial Council, because there had been no progress on the weapons issue. At year's end, Sinn Fein ministers were challenging Trimble's move in court.

The Northern Ireland Human Rights Commission (HRC) initiated a comprehensive consultation process on a bill of rights specific to Northern Ireland, as mandated by the Good Friday Agreement. The commission also provides legal advice and assistance to citizens. The HRC Chief Commissioner urged the Government to grant the commission additional funding and enhanced powers. Under the terms of its creation in 1999, the HRC can make the case for such changes in a report to the Government in 2001.

The police force in Northern Ireland has had a complex and controversial role and under some circumstances continues to rely on support from British Army units. Approximately 13,000 British troops were stationed in

Northern Ireland, the lowest number since the early 1970's. The Good Friday Agreement mandated wide-ranging reforms in policing and criminal justice with the aim of developing fair, effective, and representative law-enforcement institutions that have the confidence of all parts of the community. In November Parliament passed a Northern Ireland Police Bill based on the recommendations of the Independent Commission on Policing in Northern Ireland (commonly known as the Patten Commission). In March the criminal justice review mandated by the Good Friday Agreement publicly proposed as part of its findings reforms in the Northern Ireland prosecution system and in the procedures for making judicial appointments; its recommendations are expected to be implemented beginning in 2001.

In accordance with the Good Friday Agreement, the Government in September completed the staged release of 433 prisoners affiliated with paramilitary organizations that maintain a complete and unequivocal cease-fire--although "punishment" attacks continued in areas under the influence of these groups. Several paramilitary dissident groups in Northern Ireland committed acts of violence aimed at disrupting the peace process. During the year, over 250 violent sectarian attacks took place in Northern Ireland. Loyalists carried out 86 punishment shootings and 72 punishment beatings, while republicans carried out 50 punishment shootings and 54 beatings.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by the Government.

The Police Complaints Authority (PCA), an independent watchdog organization, concluded its inquiry into the police investigation of the death of Roger Sylvester, a black man who died in 1999 after being restrained by police officers. The PCA certified that the circumstances had been investigated to its satisfaction and forwarded an investigation report to the Crown Prosecution Services (CPS). In November the CPS ruled that there was insufficient evidence to file criminal charges against the police officers involved in Sylvester's case. Sylvester's family called for an independent inquiry.

In December the CPS also ruled out filing criminal charges against police officers involved in the 1999 shooting death of Henry Stanley. Amnesty International expressed concern over the CPS decisions not to prosecute in the Sylvester and Stanley cases, which the organization considers "strong prima facie evidence" cases.

In May a London court set a February 2001 trial date for a police officer charged in the murder of James Ashley, who was shot and killed during a police raid on his home in 1998. In connection with the case, four other police officers face trial.

According to the PCA's Annual Report, deaths in police custody fell to 47 during the 12 months ending in March 2000, compared with 65 during the same period the previous year. The report states that 11 of the deaths occurred because of natural causes, 9 were due to alcohol or drugs, and 12 were suicides. The PCA supports the abolition of the offense of "being drunk and incapable" and recommends that drunks be dealt with by nurses and paramedics rather than by the police. According to the Home Office, the provisional number of deaths in police custody in England and Wales during the calendar year was 47; in Scotland it was 3.

There also were a number of deaths in custody in prison due to suicide and natural causes (see Section 1.c.).

The Northern Ireland Human Rights Commission is assisting the family of Jim McDonnell in the formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him.

In April the European Court of Human Rights declared admissible 4 cases brought by the families of 12 individuals killed by the security forces (or with alleged security force collusion) in Northern Ireland in the 1980's and 1990's. The families contend that the Government violated, inter alia, Article 2 (the right to life) of the European Convention on Human Rights and charge that the deceased were killed unjustifiably by the State or its agents through excessive use of force and that the State failed to comply with its procedural obligations by not effectively investigating the deaths. One of the cases had earlier been included in an inquiry into the use of lethal force (including allegations that the authorities sanctioned a shoot-to-kill policy) conducted in 1984-87 by John Stalker.

In 1998 the Government opened a new judicial inquiry, presided over by a panel of three prominent judges from the UK and other Commonwealth countries, to establish the facts of the events of January 30, 1972, in Northern Ireland--"Bloody Sunday"--when 13 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces was ever held accountable. The inquiry spent 2 years gathering testimony and evidence from other victims, journalists, and government officials. Formal hearings began in March in Londonderry. Following the August resignation from the panel of Sir Edward Somers due to personal reasons, the Government appointed John Toohey, a former judge on the Australian High Court. The disruption resulted in a 2-month delay in the proceedings, which resumed in November. The inquiry is expected to hear testimony from approximately 800 to 1,000 witnesses and continue for another 2 to 3 years.

David Copeland was convicted in June of a series of bombings in London in 1999 and sentenced to six life sentences. The bombings, motivated by racism and homophobia, killed three people.

Under the criteria of the 1998 Northern Ireland (Sentences) Act, the Government determined that the main republican and loyalist paramilitary groups were abiding by a cease-fire. Despite the fact that the groups are considered to be maintaining a cease-fire, killing and wounding by both republican and loyalist groups in Northern Ireland continued. The groups that the Government determined were not maintaining a total and unequivocal cease-fire are the Real IRA (RIRA), the Continuity IRA, the Irish National Liberation Army (INLA), the Red Hand Defenders, and the Orange Volunteers.

The PIRA was blamed widely for three May killings, including the killing of a dissident republican activist. While the PIRA did not comment or deny involvement, media reports attributed these crimes to the group.

More than 10 deaths in Northern Ireland during the year were attributed to feuding among the principal loyalist paramilitary groups. Victims included reputed members of key loyalist paramilitaries, including Ulster Volunteer Force (UVF) leader Richard Jameson.

In August the feud between the UFF/UDA and the UVF intensified when a display of strength by the UFF/UDA on the Shankill Road in Belfast led to gunfire and attacks on houses. During the following week, Bobby Mahood and Jackie Coulter (the latter connected with the UFF) were shot and killed, as was Sam Rocket, a UVF supporter. In August the Government revoked the release of Johnny Adair, a leader of the loyalist UFF who had benefited from early release in October 1999, for his role in the violent feuding. Subject to the approval of the Sentencing Board, the Government is recommending that Adair serve the duration of his original prison term. In December the factions announced a "truce."

Although a number of suspects were questioned, no one was charged with the murder of lawyer Rosemary Nelson, who died in a car bomb attack in 1999. The Red Hand Defenders, a loyalist splinter group, claimed responsibility, and human rights groups continued to express concern about alleged police collusion in the murder. Nelson, known for taking on high-profile civil rights cases, claimed as early as 1997 that RUC officers made death threats against her.

In December 1999, a coalition of six human rights organizations stated that Nelson's death constituted a failure by the Government to meet its international obligations to ensure that lawyers are able to perform their jobs without fear for their safety. These organizations called for a full public inquiry into all the circumstances of Nelson's murder. In his April 2000 report to the U.N. Commission on Human Rights, the Special Rapporteur on the Independence of Judges and Lawyers expressed concern over the extent and thoroughness of the official investigation into Nelson's complaints of RUC threats.

Cognizant of the controversy surrounding Nelson's case, in 1999 the RUC appointed Deputy Chief Constable of Norfolk Colin Port to take over the investigation of the murder. Port's 80-member investigative team interviewed 7,000 potential witnesses. In March police made the first arrest of the case, questioning a man who was a member of the Royal Irish Regiment at the time of the murder; he was charged with an unrelated offense. In May the Independent Commission for Police Complaints (ICPC) ruled that there was "insufficient evidence" to discipline the RUC officers accused of threatening Nelson. In August Port appeared on the television program "Britain's Most Wanted" to appeal for individuals with information relating to the murder to come forward.

No one has been charged in the UK for the 1998 bombing in Omagh that killed 29 persons. The RIRA claimed responsibility for the bombing. While authorities have collected information that identifies individuals alleged to be responsible for the bombing, much of it cannot be used as evidence. In October news organizations identified the alleged perpetrators, which prompted complaints from victims' families that a future trial could be jeopardized. Witnesses who could make prosecution possible have been reluctant to come forward. Family members of victims have criticized Sinn Fein for refusing to assist in the police investigation. While over 20

suspects were detained, only 1, Colm Murphy, was charged (for aiding and abetting the crime) and faces trial in the Republic of Ireland.

In September a Belfast coroner conducted a public inquest into the Omagh bombing. Unlike inquests in England and Wales, coroner's courts in Northern Ireland do not reach verdicts apportioning blame, but instead make "findings" confined solely to the facts surrounding violent, sudden, or unexplained death. Human rights groups have argued in other inquests that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

Human rights groups continued to call for an independent inquiry into the December 1997 killing of Billy "King Rat" Wright, leader of the Loyalist Volunteer Force, in the high security Maze Prison by members of INLA. The facts of the killing call into question the prison's security standards: The watchtower in the courtyard where the killing took place allegedly was unmanned at the time, the perpetrators had weapons smuggled to them, and they apparently had knowledge of Wright's whereabouts. The jury at the coroner's inquest in February 1999 stated that "person or persons unknown and undetected" were involved. In July the Government refused "on security grounds" to answer a parliamentary question about the identity the official in charge of the prison on the day of Wright's murder.

In June a Belfast coroner abandoned plans for an inquest into the 1997 death of Robert Hamill. Hamill's case received widespread attention because four RUC officers in a nearby vehicle allegedly did not act while Hamill was beaten to death by a mob. The coroner said that he feared that key witnesses would be in danger if they were called to give evidence. In 1999 one of the six suspects was acquitted of the killing but found guilty of a minor offense. The trial judge expressed concerns about the inaction of the police. Human rights groups argue that the RUC had intervened successfully in similar circumstances in the past. Moreover, they charge that the RUC's failure to intervene made the identification and prosecution of the murderers more difficult. The police ombudsman was directing the police investigation at year's end. Irish Prime Minister Bertie Ahern called for an independent public inquiry. The family provided the Government with evidence that it says makes a definitive case for such an inquiry.

The investigation into the 1989 murder of defense attorney Patrick Finucane continued. Finucane was killed in front of his family by members of the Ulster Defense Association (UDA). Human rights organizations have alleged security force collusion in the murder. In July two RUC officers were arrested and questioned about the murder, which was being reviewed in a third round of independent investigations by the Commissioner of the Metropolitan Police, Sir John Stevens. In August the inquiry seized documents related to the case from the British Army. William Stobie was arrested in 1999 and charged with the murder, although in August the charges were reduced to aiding and abetting murder. Stobie has claimed he was an RUC informer at the time of Finucane's murder and said he warned police of a "hit" by the UDA, although it was unclear whether he knew Finucane was the target. Human rights organizations, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, and Finucane's family continued to press the Government for an independent public inquiry into the killing. They cited the possible existence of new evidence that would support charges of collusion between government officials and loyalist paramilitary groups in Finucane's murder.

While British Army regulations normally bar from service those guilty of "serious crimes," Scots Guards Jim Fisher and Mark Wright continued to serve in their regiment, to which they were reinstated in 1998 after being convicted of and serving time in prison for the 1992 murder of Peter McBride. In 1999 McBride's family won a judicial review against the British Army Board that sanctioned the soldiers' reinstatement. In November the board reaffirmed its decision, allowing the pair to remain in the service.

Former Chilean President Augusto Pinochet left the UK on March 2 after Home Secretary Jack Straw announced that he would not extradite Pinochet to Spain for alleged human rights abuses because he was too ill to stand trial.

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in 1999 to facilitate the location of the remains of nine victims of IRA paramilitary violence from the 1970's. The commission succeeded in locating the remains of three persons in 1999, but suspended its work in May, pending the receipt of additional information from the IRA. Work had not resumed by year's end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law forbids torture and other cruel, inhuman, or degrading treatment; however, individual members of the police occasionally abused detainees. Human rights organizations maintain that such abuse, while not widespread, is a matter of serious concern (see Sections 1.a. and 5). Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

Reports by official bodies and nongovernmental organizations (NGO's) have suggested that the public lacks confidence in existing procedures for making complaints against the police. According to a February 2000 Council of Europe committee report, more complainants have been taking their cases to the civil courts rather than filing complaints. The report states that even where complaints are filed and point to likely police culpability, criminal or disciplinary action against police officers has been rare, and convictions or disciplinary action even rarer; in many cases, police officers under investigation took medical retirement. According to the report, of 36,731 complaints recorded in the 1996-97 period studied by the committee, only 141 resulted in legal or disciplinary action (latest statistics available). While accepting the need for reform of the complaint procedures, the Government disputed some of the conclusions reached in the report, pointing out that it omitted to mention over 1,000 disciplinary actions taken and the informal resolution of 32 percent of cases to the satisfaction of the complainants.

Following these reports, the Government has engaged in an ongoing process to reform the police complaints system. In 1999 the Government phased in new complaint procedures. Among other things, the new procedures instituted a formal written warning procedure in serious cases and lowered the burden of proof in civil misconduct proceedings. In May 2000, the Home Office published a consultation document based on two separate studies conducted by a management consulting firm and a human rights group. The paper recommended that complaints against the police be handled by a new body, whose name would better reflect its independent nature than the current Police Complaints Authority. It also recommended that the new body have the ability to independently investigate the most serious complaints, including deaths in custody. The Home Office, after receiving and incorporating feedback on its May paper, issued a further report in December on its proposed framework for a new police complaints system, much of it based on the two groups' recommendations.

Two RUC officers, Michael Magowan and Darren James Neill, were convicted and imprisoned in May for the 1998 assault on 18-year-old Bernard Patrick Griffin. Griffin, a Catholic, was arrested, beaten, verbally abused, and threatened. Griffin was then charged with assault. The truth emerged when a third officer present, Andrew Lea, confessed to his superiors; Lea was fined \$1,600 (1,000 pounds). Magowan and Neill received 1- and 2-year sentences, respectively, and face RUC disciplinary charges of criminal conduct, which could result in dismissal.

The Police Ombudsman for Northern Ireland began operation in November. The ombudsman has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the RUC Chief Constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman is to supervise automatically cases involving death or serious injury and may investigate other cases. The ombudsman can recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The ombudsman can direct the Chief Constable to take disciplinary action against police officers. Unlike the ICPC, which must rely on the complaints and discipline branch of the RUC to provide investigators, the ombudsman has an independent investigative staff.

Prior to being replaced by the ombudsman in November, the ICPC received 2,036 complaints; in November and December the ombudsman received about 540 complaints. In addition 2,396 cases were passed on from the ICPC to the ombudsman. Of the 2,390 cases completed by both organizations during the year, 7 led to informal disciplinary action and 9 led to formal criminal charges.

Legislation implementing the 1999 Patten Report on Policing in Northern Ireland was enacted in November. The law changes the operational name of the RUC to the Police Service of Northern Ireland (PSNI), imposes hiring quotas to increase Catholic representation in the service (now only 8 percent of the total), and introduces new human rights standards and wider use of community policing practices. The law establishes a new policing board comprised of 9 public members and 10 political party representatives from the Assembly. The reform remains controversial. Chris Patten, author of the original recommendations, has endorsed the bill and urged full participation in the new institutions. However, the nationalist parties object to the bill for not strictly following all recommendations of the Patten Commission, while unionist critics argue that reforms will undermine the effectiveness of the police. By year's end, the impasse over implementation had not been resolved.

The Independent Assessor of Military Complaints continued to coordinate investigations into complaints of

abuses committed by the Army in Northern Ireland. During the year, some 20 formal and 550 informal complaints were received; most involved al